IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 3954 of 2004

Between:

Scandapuri Educational Society,

rep.by its Secretary/ Correspondent,

Ch.Krishna Kumar S/o.Venkateshwarlu
R/o.Pamuru Road, Kandukur, Prakasam District.

..... PETITIONER

AND

The Secretary,

Andhra Pradesh State Council of Higher Education,

Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondent in issuing the proceedings dated 22.8.2003 and in not sending the Inspection Committee to the premises of the petitioner society to inspect and submit a report for consideration for establishment of new private unaided Degree College at Pamuru Road, Kandukur, Prakasam Dist., even though it fulfilled all the conditions prescribed, as illegal, arbitrary and unjust and contrary to law and consequently set aside the proceedings of the respondent dated 22.8.2003 and direct the respondent to send the Inspection Committee to inspect the premises of the petitioner society in order to submit a report to the

respondent for establishment of new private unaided Degree College at Pamuru Road, Kandukur, Prakasam District.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent:MR. K.RAMESH BABU, Standing Counsel

The Court at the admission stage made the following ORDER:

The petitioner-society, which was formed with an objective of establishing educational institutions and imparting education in the rural areas, responded to the notification issued by the respondent dated 17-02-2003 for starting private unaided Degree Colleges for the academic year 2003-2004 by making necessary application along with required documents seeking permission to start a college. It is not in dispute that on such application being made, the Scrutiny Committee visited the proposed college of the petitioner-society, noted several deficiencies and submitted a report on 10-04-2003, which was communicated to the petitioner-society on the same day. Subsequently, the petitioner-society had given another opportunity to rectify the deficiencies but the petitioner-society submitted information with inconsistencies. Meanwhile, several unsuccessful applicants like that of petitioner-society made a representation to the respondent to give them another opportunity to rectify the deficiencies pointed out. In view of the same, the Task Force Committee was constituted to verify the compliance of the applicants and to recommend accordingly and thereby, a special notification was issued on 20-07-2003 stating that the respondent decided to give equal opportunity for re-inspection/inspection of the proposals inspected by the Joint Inspection Committee and rejected by the University and the proposals, which were rejected at the counselling level, and also the managements who have not attended the counselling and accordingly, the societies were informed to attend before the Task Force along with the documentary evidence in original and two sets of Xerox copies, fulfilling all the conditions, as per the schedule given in the special notification. In the said schedule, the date 01-08-2003 was fixed to verify the proposals under Nagarjuna/SK University areas.

Accordingly, the petitioner-society appeared before the Task Force Committee along with the documents on the said date. After verification of the documents furnished by the petitioner-society, the Task Force committee observed that “the accommodation for the proposed college is shown partly in RCC structure (3000 sq.ft.) and partly in temporary TIN sheds
(7230 sq.ft.) and the temporary Tin sheds are not conducive to run the proposed degree college” and the petitioner-society has not rectified the deficiencies pointed out earlier. Hence, not recommended for joint inspection. Since the deficiencies were not rectified, recommendation of the Task Force Committee was approved on 04-08-2003. On such approval, necessary communication was sent to the petitioner-society on
22-08-2003 by the respondent mentioning the reasons for rejection of the proposal of the petitioner-society. Questioning the same, the petitioner-society filed the present writ petition in the month of March, 2004 contending that it has addressed a letter dated
25-08-2003 to the respondent stating that it has complied with the deficiencies pointed out by the Task Force Committee and that as per the special notification, dated 20-07-2003, the inspection committee has to be sent for reinspection/inspection to verify whether the petitioner-society rectified the deficiencies pointed out earlier or not and therefore, without reinspecting the premises, rejection of application made by the petitioner-society is arbitrary and illegal.

Heard the learned counsel for the petitioner-society as well as the learned Standing Counsel appearing for the respondent at length.

In the special notification issued by the respondent, it is made clear that the societies, which were responded to the earlier notification dated 17-02-2003, had given another opportunity to rectify the deficiencies, which were despatched by it earlier, in their proposals and to attend on the proposed date before the Task Force along with the documentary evidence in original in evidence of fulfilling the deficiencies pointed out earlier. It is not in dispute that on 01-08-2003, the petitioner-society appeared before the Task Force but not produced any evidence to show that the deficiencies pointed out, earlier, were complied with. In view of the fact that no documentary evidence was produced on the said date, the Task Force committee rejected the claim of the petitioner for establishing a college, as it has not rectified

the deficiencies and accordingly, recommended for rejection on 04-08-2003. In view of the same, the respondent rejected the claim of the petitioner-society by issuing proceedings dated 22-08-2003 and communicated the same to it. Only after Task Force rejected the claim of the petitioner-society, the petitioner-society made a representation to the respondent on 25-08-2003 stating that it has rectified the deficiencies. If that be the case, the petitioner-society cannot claim reinspection as a matter of right unless necessary material has been produced on the relevant date notified for verification of records.

In view of the same, the submission made by the learned counsel for the petitioner-society that the respondent is under obligation to reinspect the premises in question to verify the compliance of deficiencies cannot be accepted. Learned counsel for the petitioner-society further submits that for the academic year 2004-2005, it is not known whether any such notification is issued by the respondent inviting applications from the required societies for establishment of such colleges. In the event of any need arises for establishing such colleges and if any notification is issued for such purpose, it is open for the petitioner-society to make an application for consideration of its claim for establishing a college for the academic year 2004-2005 and in such an event, if the petitioner-society is eligible for establishment of such college, the respondent can consider the same as per rules.

The writ petition is accordingly disposed of. No costs.

27th OCTOBER, 2004.

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To

1 The Secretary,

Andhra Pradesh State Council of Higher Education,

Hyderabad

2 Two CD copies.